



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1998/72
13 February 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Third report on the human rights situation in Burundi submitted
by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, in
accordance with Commission resolution 1997/77

CONTENTS

	Paragraphs	Page
Introduction	1 - 4	2
I. THE SALIENT POINTS OF THE SPECIAL RAPPORTEUR'S VISIT	5 - 84	2
A. Situation in the field	8 - 34	3
B. Obstacles to democratization	35 - 53	9
II. COMMENTS	54 - 84	14
III. RECOMMENDATIONS	85 - 110	19
A. To the national authorities	85 - 92	19
B. To the rebels	93 - 96	20
C. To the international community	97 - 110	20

Introduction

1. This report is submitted by the Special Rapporteur to the Commission on Human Rights at its fifty-fourth session, in accordance with Commission resolution 1997/77. It follows on the report covering the period from 15 April to 31 August 1997 which the Special Rapporteur submitted to the General Assembly at its fifty-second session (A/52/505) and chiefly describes the Special Rapporteur's impressions during his fourth visit to Burundi.

2. During the fifty-second session of the General Assembly, the Special Rapporteur had a discussion with Mr. G. Ndaruzaniye, Permanent Representative of Burundi in New York, and then signed with him a communication dated 12 November 1997 addressed to the Chairman of the Third Committee requesting him to suspend the debate on the human rights situation in Burundi for a week in order to enable the Government of Burundi to submit its comments. During that discussion, the Permanent Representative of Burundi undertook to urge his Government to invite the Special Rapporteur to carry out a mission to the country before the end of 1997.

3. The Burundian delegation having welcomed his report on 17 November 1997, the Special Rapporteur wrote to Burundi's Minister for Foreign Affairs and Cooperation to inform him of his desire to make a fourth visit to the country from 7 to 20 December 1997. On 20 November 1997, the Permanent Representative of Burundi in New York communicated to the Special Rapporteur the Burundian Government's acceptance of that request. In a communication dated 26 November, the Minister for Foreign Affairs and Cooperation confirmed his Government's willingness to receive the Special Rapporteur at the proposed time.

4. The first chapter of the present report describes the salient points of the Special Rapporteur's visit to Burundi. Chapter two concerns the comments made by the Special Rapporteur during his mission and chapter three sets out his recommendations.

I. THE SALIENT POINTS OF THE SPECIAL RAPPORTEUR'S VISIT

5. During his fourth mission to Burundi, which lasted from 7 to 20 December 1997, the Special Rapporteur met the country's highest political, administrative, judicial, military and religious authorities, as well as members of the diplomatic corps and representatives of the United Nations system and non-governmental organizations. He also held discussions with the Resident Representative of the United Nations Development Programme, the Special Representative of the Secretary-General of the Organization of African Unity (OAU), a number of representatives of local associations active in the spheres of human rights and development and promotion of the status of women, and with the local press.

6. The Special Rapporteur is very grateful to the Burundian authorities for their warm welcome and for the fact that, thanks to the active assistance of the Chief of Protocol of the Ministry of Foreign Affairs and Cooperation, his mission went extremely smoothly. He is particularly grateful to those authorities for the constant concern they demonstrated for his safety, particularly during his time in the field. It was with dismay that he heard

of the accidental death of Colonel Firmin Sinzoyiheba, the Minister of Defence, whose frankness and openness to dialogue he greatly appreciated during each of his four visits to Burundi. He wishes to express to the members of the Government of Burundi his sincere condolences at this difficult time in the life of the country.

7. The Special Rapporteur emphasizes yet again the outstanding commitment that the institutions of the United Nations system in Burundi daily demonstrate in assisting the victims of the crisis or war in often difficult working and security conditions. He extends his warmest thanks to the director of the High Commissioner for Human Rights' operations office in Burundi and all his team for the excellent preparations and arrangements they made for his visit in conjunction with the United Nations Designated Official and security unit. He also wishes to extend particular thanks to the Ambassador of the United States of America, who placed an armoured vehicle at his disposal for virtually the whole of his visit, and to the Chargé d'affaires of the Belgian Embassy, who did the same for a day. Lastly he wishes to express his gratification at the welcome and the judicious advice he received from the director of the United Nations Office in Burundi.

A. Situation in the field

1. Emergence of a few safe areas

8. The Special Rapporteur went by road to several of the country's provinces. In Gitega, he met Major Buyoya, the Head of State. In Bujumbura Rural, where there had recently been some unrest, he followed a path through a banana plantation for over a kilometre to inspect damage caused by the rebellion to a primary school attended by 650 pupils located on a hill in the commune of Isare. Four days later, not far away, an anti-tank mine exploded in a puddle on a metalised section of road over which the Special Rapporteur's vehicle had travelled, killing two soldiers and six civilians taking materials to the school to rebuild it.

9. In Kayanza province, the Special Rapporteur was able to see how difficult living conditions were for displaced persons in a camp near the administrative centre of the province. He also went to the regroupment site at the other side of the town, which had been largely dismantled. In addition, he visited Bubanza province, where there were 170,000 affected persons in a number of camps near the provincial hospital. The hospital takes in war-wounded, victims of anti-personnel mines, and persons suffering from malaria, scabies or acute malnutrition. He also visited one of the Mugongo sites which held about 2,400 people, some of whom had been repatriated from the Democratic Republic of the Congo and some of whom were civilians who had fled from the neighbouring collines to escape the rebels. A group of approximately 70 people, including many children, some of them with obvious symptoms of malnutrition and vitamin deficiency, had arrived at the camp on the morning of the Special Rapporteur's visit and were waiting for the camp reception committee to help them.

10. Nearer the capital, Bujumbura, the Special Rapporteur went to Gatumba, a locality close to the border with the Democratic Republic of the Congo. Here he visited a transit centre run by the Office of the United Nations

High Commissioner for Refugees housing some 2,400 returnees. This centre, which had been more crowded on several occasions in the recent past, contains a unit under the auspices of Oxfam-Canada where some 40 unaccompanied children are looked after by a few women, some of whom had left the country more than 20 years earlier and were waiting to learn their next destination.

11. Generally speaking, the Special Rapporteur found that security had improved and that the main roads had been cleared, with soldiers much in evidence on them. On some dirt roads there were barriers guarded by civilians.

12. The Special Rapporteur wishes to emphasize the effort made by the civilian and military authorities to involve the population more closely in the rebuilding of decent housing, especially for displaced persons, and in the night-time patrolling of residential areas and regroupment sites. However, he also received several reports of more questionable recourse to such measures, with civilians being substituted for agents of the State for the performance of tasks of a military nature, such as de-mining or the maintenance of public order.

13. Security conditions are variable, depending on the rebels' movements; that is particularly so in the Kibira forest and in the areas around Bujumbura Rural. Bururi province, especially the Rumonge and Nyanza-Lac sectors, is also on the rebels' route. The rebels harass the inhabitants of the areas they cross by demanding money and punishing them when they resist and refuse to join the rebellion. They have also kidnapped children and adolescents and destroyed schools and administrative buildings.

14. Nonetheless, in the provinces where security has improved, the Special Rapporteur found among the civilian and military officials he met a willingness to identify the many problems or needs of the rural population, whose fundamental rights have been severely affected by the consequences of the civil war and economic sanctions, and, despite the very limited resources available, to respond to them. Apart from the 600,000 affected persons (displaced persons, regrouped persons, returnees, etc.) in the country, it is the rural population in general that is suffering worst from the devastating effects of malnutrition, epidemics, shortages of medicines, fuel price rises, shortages of fertilizer and seeds, livestock losses and disruption of distribution channels that are preventing or greatly increasing the cost of marketing coffee and tea.

2. Return of affected persons

15. Generally speaking, the Special Rapporteur found that living conditions for displaced or regrouped persons were still poor. The people want to return to their collines, but are often unable to do so because health centres, schools and other administrative buildings have been destroyed in clashes between troops and rebels or in deliberate acts by rebels.

16. In Bubanza province, the fighting between groups of armed rebels and the Burundian army since autumn 1997 has caused many people to flee from the area bordering Cibitoke province to the town of Bubanza. In early December, there was little possibility of these people returning to their home collines.

because of the insecurity in Bubanza province, continuing clashes between troops and rebels, and the explosion of mines on unmetalled roads. The civilian authorities have tried to settle some of these people part way towards their homes, in collines protected by the army adjacent to Bubanza and Cibitoke provinces. Unfortunately, only about a third of the sites are accessible to international aid organizations.

17. In Kayanza province, the Special Rapporteur found that, because of fresh incidents in their home collines, a plan to return some 80,000 regrouped people to their homes had been suspended since October 1997. Pending the improvement of security conditions, the World Food Programme (WFP) had distributed "return packages" containing food, seeds, tools and other essentials to some 33,000 people so that those fortunate enough to have fields near the regroupment sites could tend them. The sudden decision of the civilian and military authorities in autumn 1997 to transfer 5,000 people, including some 40 people suffering from severe malnutrition who were being cared for by a health centre near the Rewegura site, to the north-east of Cibitoke province gives an idea of the tense atmosphere in Kayanza province in the final quarter of the year.

18. In Muramvya province, on the other hand, no major problems had been encountered in keeping to the authorities' schedule for returning people to their homes. Between April-May and November 1997, nearly 95,000 regrouped persons received WFP "return packages" in order to help them set up again in their home collines. Security conditions had remained satisfactory in the province, despite population movements along its borders because of unrest in, successively, the three adjacent provinces of Bujumbura Rural, Bubanza and Kayanza. In Karuzi province, the schedule, as of early November, provided for all regrouped persons to have returned home by the end of December 1997. A field survey made by the Humanitarian Coordination Unit in November showed that approximately half the people in question had gone home and were living in houses that they had built themselves in the period immediately preceding their return.

19. Recognizing how much displaced persons have suffered in the past four or five years, the civilian and military authorities have begun to build some of them simple adobe houses, like those the Special Rapporteur saw in Kayanza province on land where there was often no water alongside metalled roads. Displaced persons are sometimes even more apprehensive about returning to their home collines than regrouped persons and opt for temporary settlement half-way between roads and their home collines where they can take advantage of the international humanitarian assistance distributed by the non-governmental organizations working in Burundi.

20. Because the country is so hilly, housing has traditionally been scattered in Burundi, a fact that has long prevented the establishment of the type of collective infrastructure that would be appropriate to the development of the rural areas and that is now essential if living conditions there are to be improved. The absence of such equipment creates serious problems for the local people by depriving them of their most basic economic and social rights. In some instances, the living conditions of rural Burundians are, except as regards freedom of movement, hardly any better than those of their compatriots in regroupment sites or camps for displaced persons. In addition, they are at

a disadvantage by comparison with the inhabitants of towns since they have no way of improving their economic or social lot and the full burden of the civil war and the crisis destroying the country falls on them alone. While acknowledging the Burundian Government's efforts to help the affected population groups, ^{1/} the Special Rapporteur is afraid that a wide gap will eventually be created between urban and rural dwellers and that this will be detrimental to the authorities' goal of long-term reconciliation.

3. Persistence of violations of human rights
and international humanitarian law

21. Given the rapid and often unpredictable course of events affecting the human rights situation in Burundi, the Special Rapporteur reserves his right to express himself further on this matter in an addendum to this report and to illustrate it, if necessary, by allegations of human rights violations.

a. Serious violations by agents of the State

22. The Special Rapporteur notes, on the basis of information and testimony from various sources, that serious violations of human rights and international humanitarian law attributable to members of the army or law enforcement agencies - massacres, enforced or involuntary disappearances and arbitrary arrests and detention - are still common in Burundi. According to certain sources, such violations are particularly frequent in the provinces of Cibitoke, Bubanza, Bujumbura Rural, Bururi and Makamba, regions that are still disturbed and through which rebel groups often pass. While, to judge from the allegations made to the Special Rapporteur, the victims no longer number in the hundreds, as they did in the incidents of a few months ago, the incidents themselves are still frequent.

23. According to one report made to the Special Rapporteur, there was a very serious incident in Buyengeru commune, which lies in Bururi province, between the localities of Mugamba and Rumonge, early in October 1997. Troops surrounded the entire Buyengeru area from the north and south before entering it and starting a month-long mopping-up operation against the rebels. The clashes are said to have left hundreds of people dead. Allegedly, the army kept humanitarian organizations away from the area of the operation. Eyewitnesses claim that many of the dead were either left unburied or thrown into mass graves. Local inhabitants apparently saw large numbers of bodies floating in the Dama river, which enters Lake Tanganyika near Rumonge. The people who escaped the massacre are said to have been forced to find food and carry weapons for the troops. Between 12,000 and 20,000 civilians fleeing the fighting allegedly took refuge in Buyengeru parish, around which mines had been laid. The troops apparently came to seek out the men and force them to walk ahead of them and help them to check where the mines were. The soldiers also apparently demolished the brick-built houses in this relatively well-developed area, carrying off the roofing materials to sell them, and burnt the straw huts and stole the crops.

24. To judge from the size of the Burundian prison population - almost 10,000 - the number of arrests, and with it the risk of arbitrary arrest, has risen appreciably and caused a worsening of the conditions of detention in the country's main prisons described to the Special Rapporteur. It would seem

from the Special Rapporteur's discussions with them that the authorities of the Mpimba, Bujumbura and Gitega prisons are aware of the problem of overcrowding and are trying to make an accurate survey with a view to carrying out the necessary building work and improving services, particularly medical care, for the prisoners. It should be noted that malaria, typhus, bacillary dysentery and cholera are again on the increase in the prisons, catching the relevant authorities unprepared, for they received little more than half their requested budget in 1997 (628 million Burundi francs, as against an estimated requirement of FBu 1 billion).

25. In Bujumbura, the Special Rapporteur visited the Special Investigations Brigade (Brigade spéciale de recherche, BSR) and its cells, which hold an average of 50-60, but sometimes as many as 100 prisoners. These cells, the access to which is through a courtyard, are small and in poor condition; there is no electric light and only a small opening high up for ventilation. The prisoners, who are held there for between 48 hours (garde à vue) and one or more weeks, depending on the investigation of their cases, sleep on towels or blankets laid directly on the floor. The Special Rapporteur was able to talk to a number of prisoners whom he himself selected. None of them showed any obvious signs of ill-treatment. Most of the arrests are for armed robbery, theft of a vehicle, drug possession or murder.

26. The Special Rapporteur also visited the Gendarmerie's 350-man-strong 3rd Intervention Battalion stationed near Kamenge. This unit was set up in 1994 to handle security in the then very unsettled Kinama and Kamenge neighbourhoods, which lie next to collines from which they were frequently raided by rebel forces. More recently, the Battalion's commander, helped by the Kinama and Kamenge chefs de zone, has organized joint civilian/military night-time security patrols around the neighbourhoods. Apparently, several hundred young men have been enrolled in these patrols in Kinama alone. In principle, the 3rd Battalion has no powers of arrest and, when sweeps are made for the purposes of checking people's identities, suspects only spend a short period - a few hours - in the Battalion's hands before being turned over to the Judicial Police, the Security Police or the BSR. The Special Rapporteur also inspected a small three-room building near the camp entrance that serves as the detention centre for gendarmes who have committed offences. There were a few dirty, badly-worn foam mattresses on the floor. The two gendarmes mentioned during the Special Rapporteur's meeting with the Battalion commander as being held there were not present during this inspection.

27. The Special Rapporteur has recently learned of the arrest and disappearance of seven civilians at the Bujumbura central market between November 1997 and January 1998. These people were apparently taken away either to the market jail or to the premises of the BSR or the Traffic Police or to a military facility. Common to all these arrests is the fact that none of the requisite legal procedures was observed; in most cases, indeed, there was only a denunciation by someone who did not go in person to the police. The offences or crimes allegedly committed by the persons arrested were murder or participation in massacres or armed gangs. It is apparently common for people to be held for three months or more in illegal places of detention without any information being divulged as to the reason for their arrest.

b. Violence attributed to rebel groups

28. The shape of the rebellion in Burundi is so changeable that the Special Rapporteur finds it hard to get a clear idea of the numbers of persons involved and of the real impact on the population. Moreover, his information comes from a variety of reports and interlocutors, including the Burundian authorities, and less often from the rebels themselves. However, the information from all these sources tends to coincide when it concerns provinces where there are still pockets of conflict, such as those of Cibitoke, Bubanza, Bujumbura Rural, Bururi and Makamba.

29. Rebel movements through these provinces are generally accompanied by various forms of harassment of the local population. People are often obliged to pay taxes to the rebels, even when they have already paid them to the local authorities, or else money is extorted from them in other ways. The rebels steal livestock, seize crops, and take vengeance on the local people when they are insufficiently cooperative and show an inclination to follow the orders of the civilian or military administration. This results in indiscriminate attacks on civilians, sometimes even within the regroupment sites if they are not adequately protected by the army.

30. The province of Bujumbura Rural, the hinterland to the capital, Bujumbura, has often been the target of rebel operations. In March 1995, some 20,000 people in Muvimbi commune were literally taken hostage and cut off from the outside world. It was only after strong military action, in June 1996, that they were freed from the rebels' grasp; a concerted administrative effort was then made to meet their most urgent needs. In the meantime, the local markets had been disrupted, health centres had ceased to function, and the rebels had either destroyed or otherwise closed down many primary and secondary schools. According to a recent report from the Ministry of Primary Education, some 70 schools have been destroyed in Burundi since the crisis began, approximately 20 of them in Bujumbura Rural alone, and by the beginning of 1997 the national enrolment rate had fallen from 73 per cent to 40 per cent.

31. In other communes in the province, rebels have seized groups of civilians and forced them to follow them about the country, carrying their arms and equipment. In addition, young men have been kidnapped and enrolled by force in the rebel groups. Rebel bands have also attacked local officials: they are said to have murdered 60 administrative officials in the province between 1993 and the end of 1997. In early December, attackers reportedly murdered a chef de secteur in full public view in the market place in Muvimbi commune.

32. The rebels generally move around on foot and are usually quite lightly and simply armed, although sometimes they carry more sophisticated weapons. In the attack on the environs of Bujumbura international airport on 1 January 1998, they were mostly armed with knives, axes, clubs and hoes, but also used rifles and grenades. They have for many months now been using anti-personnel and anti-tank mines, and it is not only civilians who fall victim to these weapons. The army hospital in Bujumbura is currently treating 200 soldiers who have lost either a limb or the use of their legs after stepping on a mine.

33. Some of the provinces worst beset by the rebels have begun to react, especially since the imposition of the economic sanctions, which have exacerbated their isolation and the shortage of resources. A number of people have come out of the Kibira forest exhausted and sick after having spent time in the rebel ranks. The civilian and military authorities have tried to reassure local people and to engage in dialogue with them, for example in Gitega province, in order to regain their trust and encourage them to dissociate themselves from the rebels. Efforts have also been made to assist farmers to recover land they had been forced to leave, to provide loans for the purchase of tools or seeds, and to settle, with the assistance of colline elders, disputes concerning stolen cattle or goats. 2/

34. In Kayanza province, the leader of a rebel band is notorious for having recruited numerous young men by force before he was finally killed. It is estimated that, of the province's population of 500,000 people, 10,000 young men are now missing because they have been killed or joined the rebellion. The provincial governor has contacted his colleagues in Cibitoke, Ngozi and Gitega in an effort to find the missing youths. From time to time, some of them reappear, after having grown tired of their life with the rebels or succeeded in escaping and making their way home. During his visit to Kayanza, the Special Rapporteur was able to talk to two young men who had recently left the rebel ranks. One of them told him that he had been captured in an ambush in autumn 1996 and, after various incidents, taken away by the rebels into Kibira forest. He had been given two weeks' training in the handling of light weapons and military tactics. Later he had gone with other rebels towards Zaire, near the town of Uvira, and then, in the space of a few months, towards Cibitoke and Bubanza; he had twice fallen ill. Subsequently, his superior had transferred him, with his friend, to Bururi province, where they had spent seven months. They had then decided to leave the rebels and had gone with their weapons to military headquarters in Rumonge, where they had been questioned for several hours about the reasons for their change of heart. They had spent a further two months in Rumonge before returning to Kayanza province.

B. Obstacles to democratization

35. While the Special Rapporteur found throughout his visit to Burundi increased willingness among the officials he met to take a clearer look at the problems and issues involved in the country's present situation and to remedy the most flagrant shortcomings, he is bound to say that there are still a number of obstacles to the process of democratization.

1. Absence of conditions conducive to a return to peace

36. The present regime's inertia regarding the needed reforms in Burundian institutions is being fostered by the continuing warfare in a number of provinces, not to mention the recent clashes between rebels and troops around the capital, the absence of a ceasefire or of any obvious willingness on the part of the belligerents to conclude one and engage in serious negotiations, and the deadlock that resulted from the initial efforts to mediate an end to the conflict inside and outside the country. Furthermore, the inertia is not

the sort of thing to encourage the international community to make any major investment in terms either of diplomacy, money or equipment in Burundi until certain key conditions for a return to peace have been met.

2. Tensions regarding divisive topics

37. Although the meeting hosted by UNESCO in Paris from 26 to 28 September 1997 on "Building the future of Burundi" prompted promising discussions between Burundians on problems of vital interest for their country's future, the Special Rapporteur gained the impression during his visit that controversial topics such as genocide are blocking discussion within the country itself. Burundians are divided over the question of the acts of genocide and massacres in the country's recent history and that is preventing them from agreeing on what really happened. Some people refer to the events of 1993 and others to older incidents, in an ongoing process that makes it still more difficult for the Burundians to reach a common viewpoint regarding the very painful events that caused so many deaths in each of the country's ethnic communities. Burundians are faced with the difficult task of finding a definition they can all accept of all the acts of genocide and massacres that were committed, so that they can move beyond their emotional reaction to the events and reach a point where the concept of human rights violations becomes truly meaningful for each of them. The National Assembly has recently examined a bill on genocide, but no law has yet been adopted.

3. What form of democracy is right for Burundi?

38. In speaking of democratization in Burundi, it is important to be clear that what is meant is not the reduction of democracy to electoral practice based on the majority principle, or in other words, "one man, one vote". Before there can be stable, democratic institutions, Burundians have to agree amongst themselves on a social contract that could form the basis for a State governed by the rule of law and for Burundian citizenship. 3/ Such a social contract is essential if Burundian society is to be able to overcome the temptation to ethnic bias felt by certain groups among the country's elite and by a number of politicians from all parties.

39. The process of democratization must also be more open to rural Burundians and their representatives. It is still common for chefs de zone and the heads of collines, as well as local or provincial civilian or military officials, to be appointed by higher authorities and to come from regions other than those to which they are assigned. In such circumstances, they inevitably lack legitimacy in the eyes of the people for whom they have responsibility.

4. A timid dialogue at the institutional level

40. While problems persist with the functioning of political parties and the National Assembly, it must be acknowledged that dialogue continues between Major Buyoya, the President of the National Assembly and the leaders of the Front pour la démocratie au Burundi (FRODEBU). Despite setbacks such as the six-month suspension of FRODEBU - a decision that the Government subsequently reversed - or the legal proceedings instituted against the President of the Assembly, and the ban on his travelling abroad, these discussions have yielded

some results: this is evidenced by the establishment of a joint commission comprising representatives of the Government, the Union pour le progrès national (UPRONA) and FRODEBU to promote dialogue within the country and abroad.

41. It must also be said, however, that parliamentarians still run considerable risks when trying to discharge their mandate. Some, fearing for their lives, have taken refuge abroad. Others have been forced into hiding by death threats. This situation is, inevitably, detrimental to the regularity and visibility of the National Assembly's activities. In addition, a number of leaders or members of political parties are still being harassed in ways that restrict their freedom of movement and action. The Special Rapporteur was struck during his most recent visit to Burundi by the deterioration in the health of former President Bagaza, who is suffering from his isolation from his family and other people. Other political leaders, such as Mr. Mukasi, President of UPRONA, and Father Déo Niyonzima, President of Solidarité jeunesse pour la défense des droits des minorités (SOJEDEM) - who has fled the country - are the subject of politically-motivated legal proceedings.

42. The Special Rapporteur was told that in some cases the Burundian authorities had acted against political leaders or groups in the hope of curbing extremism. He finds it hard to understand, however, how there can be any genuine national debate in Burundi while certain political movements are harassed or prevented from contributing to it.

C. Some encouraging signs in the combat against impunity
and for the promotion of human rights

1. The combat against impunity

43. The problems mentioned by the Special Rapporteur in his earlier reports with regard to the administration of justice in Burundi remain basically the same - the shortages of people and money and the conspicuous absence of basic equipment (vehicles, typewriters, or photocopies, etc.) in the country's three criminal chambers. These are compounded by the manifold difficulties encountered by law enforcement officials in getting about, collecting documents for case files, identifying and seeking out witnesses or claimants required to appear in proceedings and taking detainees to the courts.

44. In a letter of 5 December 1997 from the Gitega Court of Appeal to the town prison, the Court stated that, because of lack of fuel, it could no longer transport prisoners during proceedings and the prison would therefore have to take on that task. The Special Rapporteur was able personally to examine the files of several persons who had been tried in the Gitega Court of Appeal; they were well kept, but most contained mainly handwritten documents. By way of example, the file of a man under sentence of death was some 60 pages long. This Court of Appeal sits on average from 10 a.m. to 4 p.m. and deals with approximately three cases per day. Violent crimes generally require a full day's hearing.

45. Despite the above problems, the criminal chambers of Bujumbura, Gitega and Ngozi had, by the time of writing, been in operation again for almost a year, but judicial guarantees are not systematically granted to all detainees.

According to the figures supplied by the Ministry of Justice, the number of detainees stood, on 13 January 1998, at 9,491, of these persons, 7,695 were unconvicted persons awaiting trial; only 1,792 detainees had been tried and sentenced. At the time of the Special Rapporteur's visit, Mpimba prison contained 111 prisoners under sentence of death, including some women, most of whom had been arrested without a valid warrant and tried without the assistance of a lawyer. It was only on their application for judicial review that some of them, at least those interviewed by the Special Rapporteur's mission, had been able to have a lawyer's assistance. In 1997, the country's three chambers handed down 71 death sentences, 40 life sentences, 40 sentences of 20 years' imprisonment and 62 acquittals.

46. When questioned by the Special Rapporteur about the execution by hanging on 31 July 1997 of six people under sentence of death, including the director of Kimimbi school, several Burundian officials gave it to be understood that the death penalty existed in Burundi and that although it was true that Burundi had not carried out any executions since 1982, it was essential for justice to take its course even if it was inadequate in some respects. During the previous presidential mandate of Major Buyoya, no executions had taken place. The hanging of the six persons referred to above certainly did not mean that Burundi was conducting a deliberate policy of executions. The officials stated that the country was going through an exceptional phase punctuated with acts of genocide and massacres and that such bad crimes required clear signals from the Government to the citizens to ensure that they did not reoccur and that public order was maintained.

47. In this context, a number of eminent persons in Burundi informed the Special Rapporteur of their interest in the establishment of an international criminal tribunal: in their view, the rate of Burundian justice was such that there was no hope that those guilty of the events of 1993 and the ensuing period would be tried within a reasonable period of time and prisons would grow more and more crowded because denunciations and arrests were increasingly frequent. Until the true offenders - some of whom were well known in the country, but had not been tried or even arrested - were sentenced, there could be no reconciliation process worthy of the name and consequently no satisfaction or peace of mind for the victims' families.

48. Despite this rather gloomy picture of the conditions in which Burundian justice functions, the Special Rapporteur would like to highlight the encouraging reactions he observed among many of the people to whom he spoke in Burundi and abroad about the legal assistance programme, the gradual implementation of which since February 1997, over five sessions of the country's criminal chambers, has slowly won the trust of often initially doubtful local partners. Today, the Burundian authorities, the Ministry of Justice, the Burundian Bar Association and the associations of lawyers taking part in the legal assistance programme acknowledge its utility and its role - modest though that may be compared with the needs of untried prisoners in Burundi - in supporting the administration of justice, encouraging magistrates in their extremely difficult task and despite the inadequacy of the resources engaged, gradually enabling Burundian lawyers and magistrates to discover possible new synergies in their respective spheres of work.

49. Since February 1997, the legal assistance programme has had the valuable assistance of six foreign lawyers, mostly African, who are recruited when sessions of the criminal chambers are held at Bujumbura, Gitega or Ngozi, and work alongside their Burundian colleagues to defend both accused and victims. Provided that adequate financial resources are allocated to this programme, a technical support team is scheduled to be made available to the lawyers again in order to monitor and transmit to them the agenda for the sessions, the lists of hearings and correspondence for pre-trial review or the preparation of case files, and to translate files, receive the claimants, etc. The experience accumulated by the foreign lawyers and their comments have proved extremely useful for gradually improving the implementation of this programme, which genuinely deserves regular and committed support by the international community.

50. The programme's basic goal is therefore to contribute principally through the strengthening of the judicial system, to a return to peace and national reconciliation and to the institution of a culture and democracy conducive to the restoration of a constitutional State in Burundi. In the opinion of the Special Rapporteur, it would be idle for the international community to await the advent of democracy in Burundi before deciding to support the programme, which will only be useful insofar as it can be incorporated into the present administration of justice in Burundi and attempt little by little to involve, support and stimulate the efforts of the partners concerned.

2. Recent initiatives in promoting human rights

51. The Special Rapporteur welcomed with great satisfaction the appointment in the summer of 1997 of the new Minister for Human Rights, Institutional Reform and Relations with National Assembly, Mr. Eugène Nindorera, who was formerly Chairman of the Technical Commission on preparations for the national debate and had also worked in the past as human rights education programme officer at the United Nations Centre for Human Rights and as President of the Ligue de défense des droits de l'homme (Burundian Human Rights League, ITEKA).

52. He also noted the more regular contacts between the Burundian authorities and the human rights Observer Mission within the liaison body which is now under the auspices of the Minister for Human Rights and where information concerning allegations of human rights violations collected by observers and the follow-up given them is exchanged on a weekly basis. While seeing in this a stronger desire on the part of the authorities to be more transparent in respect of violations, the Special Rapporteur reaffirms the need for human rights observers to have appropriate working conditions for their inquiries, so that they can investigate completely independently the allegations submitted to them and rapidly verify the facts in situ, provided, naturally, that security conditions permit.

53. Having attended the opening of the celebrations for the forty-ninth anniversary of the Universal Declaration of Human Rights, the Special Rapporteur wishes to pay tribute to the brave statement of the Minister for Human Rights, particularly his words concerning the questions raised in Burundi by the issues of the right to life and of genocide. He also welcomes the new approach to human rights which the Minister intends to promote, doing

away with a narrow view marked by the weight of political and ethnic divisions, and promoting instead the noble traditions and moral values formerly observed in Burundi with their scrupulous respect for human life and deep-rooted attachment to the ideas of justice, equity, tolerance and honour as embodied in the traditional institution of Ubushingantahe.

II. COMMENTS

54. During this latest visit, the Special Rapporteur noted that security conditions had improved over a large part of the country. However, security in a context of civil war, as obtains in Burundi, is always uncertain. First of all it must be admitted that security varies from province to province, and also that the various components of Burundian society do not benefit from it to the same extent. In the present situation, security continues to be highly unstable.

55. During the Special Rapporteur's stay, the provinces of Cibitoke, Bubanza and Kayanza, on the edge of the Kibira forest, Bujumbura Rural, and the frontier region with Tanzania were still subject to rebel incursions. In Bujumbura, a more substantial police presence in several districts of the city, day and night, has considerably eased the movement of people and goods. The main routes into the capital are closely controlled by numerous military and police checkpoints, which are sometimes attacked by rebel groups. 4/

56. It must be admitted that the populations of the urban centres like Bujumbura and Gitega are better protected than those of the collines, which often lack basic community infrastructures around which people can group. The dispersed settlement of the collines makes it extremely difficult for the provincial civilian or military authorities to protect the peasants in the event of disturbances or attacks.

57. The security of the people in the camps is very precarious, given the rudimentary and makeshift nature of their accommodation and the inadequate resources available to the Burundian army to protect them from rebel attacks.

58. Although the living conditions of certain population groups have become more normal, security remains very uncertain in the country overall. That was made very apparent by the tragic events of 1 January 1998, in the environs of the international airport of Bujumbura, when more than 200 people were killed. Early on 6 January, another incident occurred in the village of Maramvya, where some 2,000 persons had taken refuge following the Rukamaru massacre. On 20 January, rebels of the Parti pour la libération du peuple hutu (PALIPEHUTU) allegedly killed 32 people in a camp in north-west Burundi and on 21 January, 13 persons, including a soldier, are said to have died in an attack by a rebel group in Rumonge commune, more than 50 kilometres south of the capital, on the shores of Lake Tanganyika.

59. From the information he has collected, the Special Rapporteur considers that the most serious human rights violations take place in the course of military operations or rebel attacks or following clashes between the army and rebels in the provinces of west and south Burundi. It should nevertheless be added that the number of massacres, which last year were still causing hundreds of victims, seems to have declined.

60. On the other hand, military operations in the collines have become more frequent and people are still being killed in them. Sometimes, even if the rebel action is limited, the military retaliate with heavy artillery and engage in major cleaning-up operations. There are also many victims among the military, particularly in Bururi and Bujumbura Rural. These comments concern only zones to which human rights observers and other representatives of institutions of the United Nations system have access. The Special Rapporteur is not in a position to pronounce on the situation in the so-called "red" zones which are off-limits to humanitarian aid.

61. In the Special Rapporteur's opinion, rebel activities have increased in recent months because of dissension within the various rebel groups, particularly the Front pour la défense de la démocratie (FDD), PALIPEHUTU and the Front de Libération nationale (FROLINA). These instances of account-settling among rebels in the field are still causing victims among the civilian population.

62. The Government has taken a number of steps to try to deal with this situation. First of all, it has endeavoured to enrol large numbers of young men and women who are about to complete their higher studies in a mandatory civic service scheme. This has appreciably reduced the hold of extremist groups over young people and is a positive step. However, this civic service seems to bear a more military than a civilian stamp.

63. The Burundian authorities are in the process of including a more specifically human rights-oriented component in the mandatory civic service. This rectification is intended to prevent a situation where militarization of Burundian society, particularly of young people, becomes the price to be paid for combating extremism. However, according to certain sources, it has not yet been possible, in recruiting for this mandatory civic service, to ensure a more balanced representation of the two major ethnic components of the population.

64. The Special Rapporteur has taken note of the measures taken by the civilian and military authorities to involve the population more closely in the night-time patrols in towns and on the earth roads of the collines. The testimony he collected from wounded civilians, however, particularly in Bubanza hospital, shows how questionable such measures can be.

65. They endanger the population when the military authorities ask civilians to take part in military-type activities. According to the allegations received, the peasants are often required to advance in front of military patrols to locate mines and help to defuse them. The peasants are also asked to carry ammunition and other war matériel or to go for food across danger zones at the risk of their lives. If the civilians seek to evade or refuse such tasks, they are harassed or sometimes severely punished.

66. The Special Rapporteur wonders whether the formation of self-defence groups from among the town or collines populations, or the participation of civilians in military-type tasks does not constitute abdication by the Burundian State of its governmental responsibilities.

67. The Special Rapporteur stresses the fact that these populations have, whatever their ethnic or social origins, a legitimate right to protection by the agents of the State. It is the duty of every Government to enable its citizens to live in peace and security. The Government should not delegate its own duties to its citizens, particularly if the participation of civilians involves jeopardizing their safety, or seriously violating human rights and international humanitarian law.

68. Where the rebels are concerned, the information available to the Special Rapporteur is very succinct, but he did observe during his visit to Burundi changes in their relations with the population. Attacks on the population now seem less selective and target the two main ethnic components of the population. The rebels have not only destroyed numerous schools, particularly in Bujumbura Rural, but also kidnapped school-age children and adolescents to force them to join their ranks.

69. The population increasingly fears direct contacts with the rebels and prefers in some cases to cooperate with the army or the civilian administration in order to be better protected. The rebels for their part take revenge by harassing or taking reprisals against civilians who refuse to follow them. It is in this new context of the relations between the population and the army on the one hand and the population and the rebels on the other that the question of the regroupment camps should be analysed.

70. The policy of regroupment is not a spontaneous creation of the present Government; the previous administration began early in 1996 setting up camps where it grouped the populations of certain areas under the protection of the army. In a number of instances, the camps were used only for the duration of the fighting; in other cases they were kept open after the clashes had ended. According to information reaching the Special Rapporteur, there were at the end of July 1997 some 600,000 affected persons living in regroupment camps and camps for displaced persons in Burundi, mostly in the provinces of Karuzi, Kayanza, Muramvya, Bubanza and Cibitoke, but also, to a lesser extent, in the provinces of Bururi and Bujumbura Rural. Regrouped persons alone accounted for approximately 245,000 individuals living in 46 camps.

71. The Special Rapporteur noted with satisfaction that the operations to return these populations to their home collines were already well under way in several of the provinces concerned and were continuing. He received confirmation of this when he visited Kayanza province, where the regroupment site to which he had gone had been largely emptied of its residents. The authorities had established timetables for returning people to their homes. United Nations agencies and humanitarian organizations, in particular the International Federation of Red Cross and Red Crescent Societies, had come forward to arrange the distribution of return packages for affected families on their return.

72. The Special Rapporteur was informed of the various forms of restitution of the goods pillaged during the 1993 events. The peasants from the collines declare the goods they have allegedly lost to the civilian authorities. These authorities then look for the offenders, so that the stolen goods can be returned. When the offenders cannot be found, the cost of reimbursement is borne jointly by all the inhabitants of the colline. For example, a cow costs FBu 150,000 and a goat FBu 50,000.

73. Although these practices are neither official nor uniformly applied throughout the country, there is a risk, given the climate of insecurity and the lack of legitimacy of some local administrations, that the restitution of goods, justified in principle, will degenerate into mere settling of accounts among the inhabitants of the collines. It could also become an instrument of arbitrary repression if chefs de zone resort to the military or police authorities in order to guarantee restitution.

74. Concerning political developments in Burundi, the Special Rapporteur notes some positive aspects which he would like to stress. While the present Government resulted from a coup d'état, the nature of the regime should not prevent the international community from helping Burundi to lay the bases for a genuine constitutional State and democracy taking into consideration the specific nature of Burundian society. One contribution expected from the international community would be public recognition of the positive initiatives taken by the current authorities. The Special Rapporteur feels that simply continuing to criticize the present Government and isolating it internationally are not conducive to peace and national reconciliation.

75. The Special Rapporteur notes that despite contradictory measures such as the unfortunate ministerial order of early December 1997 suspending the Front démocratique pour la défense du Burundi (FRODEBU), the dialogue between the Government and National Assembly has nevertheless made progress. For example, at the closure of the last parliamentary session of 1997, the Prime Minister went to the National Assembly to submit the Government's proposals on the peace process. Major Buyoya and the President of the Assembly continue their dialogue despite the travel ban on, and judicial proceedings against Assembly President; the Minister for Human Rights, Institutional Reform and Relations with the National Assembly informed the Special Rapporteur of the establishment of a joint commission, comprising two members of Government, two FRODEBU parliamentarians and two other members of Parliament representing the Union pour le progrès national (UPRONA). This joint commission is expected to travel in the provinces and abroad in order to give greater depth to the internal national debate and advance the negotiations.

76. The Special Rapporteur is very gratified by the Government's efforts to promote a human rights policy. The Minister for Human Rights, Institutional Reform and Relations with the National Assembly is playing a positive role in the dialogue with the field office of the High Commissioner for Human Rights in Burundi, both with its technical cooperation component and with the human rights Observer Mission, particularly with the liaison body established by the Burundian authorities.

77. However, the Special Rapporteur expressed to the Burundian Government his deep dismay at the six executions which took place on 31 July 1997; he gave it to be understood that they were harmful to the Government's image and to the peace and reconciliation which it was endeavouring to promote. In the present context, further executions could only hinder the authorities' efforts to find a way out of their isolation.

78. The Special Rapporteur is also concerned about the latest developments in the trial of military personnel accused of participation in the 1993 coup and the assassination of President Ndadaye. It is the lower ranks who are the subject of the most serious accusations, while high-ranking officers are being prosecuted for minor offences only. International public opinion might thus

have the impression that the legal authorities do not dare to come to grips with the people who are really behind these crimes.

79. The Special Rapporteur is also concerned about the turn taken in discussions on the genocide issue in Burundi. In his opinion, not only should those involved in the genocide or massacres of one or other of the ethnic components of the country be prosecuted, but Burundians as a whole should be brought to admit the fact that, over and above the atrocities that were committed, enormous numbers of innocent Burundian citizens perished, plunging tens of thousands of families into grief. Despite the ideologies which each of the ethnic components carries with it, it is undeniable that their leading élites bear a heavy responsibility since Burundi's independence in inspiring these atrocities and mobilizing those which took part in them.

80. As the Special Rapporteur endeavoured to show in his most recent report to the General Assembly, he considers that the economic sanctions imposed by the countries of the subregion are having a disastrous effect on the general population of Burundi. The imposition of the sanctions, accompanied by numerous attacks on civilians throughout the country, worsened the lot of the general public and increased the country's dependence on international humanitarian assistance. Sanctions should not be used to punish a whole people. They should be a temporary means of pressuring a Government which has jeopardized international peace. They should also bear some proportion to the goals to be achieved. Lastly, sanctions should always be accompanied by dialogue with all the parties concerned.

81. No less a figure than Pope Jean Paul II, when commenting recently on sanctions, in essence stressed that an embargo as defined by law is an instrument to be used with great discernment and remains subject to strict ethical and legal criteria. It is essential always to anticipate the humanitarian consequences of sanctions and to ensure that sanctions are kept in due proportion to the evils which they endeavour to remedy. 5/

82. The Special Rapporteur believes that economic sanctions used as a means of coercion have proved ineffective in Burundi, as elsewhere, because they have not been strictly applied, while means of evading them are encouraged by the very behaviour of some of the countries which decreed them. Today, every country has its own interpretation of the requirements imposed on the Government of Burundi and of that Government's responses to them. The sanctions have also created economic opportunities for various entrepreneurs who have taken advantage of the sharp increase in the prices of basic commodities in Burundi.

83. The effects of the social and political crisis that has prevailed in Burundi since 1993 have been further accentuated by the imposition of the sanctions. The economy has suffered as much from the crisis in general as from the effects of the economic sanctions and the progressive withdrawal of the assistance derived from bilateral cooperation. The Special Rapporteur considers, therefore, that the time has come for a serious assessment of the utility of maintaining the economic sanctions. It is urgently necessary to consider their humanitarian consequences, if possible by means of an independent mechanism. Since the events of 25 July 1996, Burundi has been dangerously isolated by its neighbours in the Great Lakes region and by the international community. Bearing in mind the fate of the victims of the conflict in Burundi, the Special Rapporteur considers that this diplomatic

isolation should cease immediately. The countries variously involved with Burundi have an essential role to play in helping to defuse the crisis by creating the conditions necessary internationally to enable the Burundian participants in the crisis to conclude a ceasefire as soon as possible and to initiate negotiations.

84. The Special Rapporteur notes with great concern the impasse reached in the mediation undertaken by former President Nyerere, known for his moral and intellectual authority. It is a matter of urgency for the countries of the region, the Organization of African Unity and the United Nations to seek, along with former President Nyerere, the most appropriate means of putting this mediation rapidly back on track.

III. RECOMMENDATIONS

A. To the national authorities

85. The Special Rapporteur reiterates his urgent appeal to the Burundian authorities to defer the 71 death sentences and 40 sentences of life imprisonment handed down by the country's three criminal chambers for 1997 alone, at least until the peace negotiations have been completed and a reformed judicial system, capable of playing its role with complete independence and impartiality, has been established.

86. The Special Rapporteur asks that the conditions of detention of persons sentenced to death should be improved without delay, pursuant to the commitments made by the Government of Burundi when it ratified the main international human rights instruments.

87. The Special Rapporteur asks that the judicial proceedings against former President Bagaza, currently subject to restricted residence, and against the President of the National Assembly, who does not have the right to travel, should be completed without delay in order to enable the persons concerned to appear before the appropriate judicial bodies, with the assistance of their lawyers. The intolerable accumulation of delays in these proceedings are detrimental to the dialogue among the various political parties.

88. While welcoming the positive dialogue initiated by the Burundian authorities with the human rights Observer Mission, in particular through the liaison body, the Special Rapporteur asks those authorities to improve and expedite investigation procedures in cases of summary execution, sexual abuse, torture or excessive use of force by the Burundian army and by the police, and to initiate proceedings against the offenders.

89. The Special Rapporteur once again draws the attention of the Burundian authorities to the urgent need to ensure respect for the standards of international humanitarian law and human rights, which prohibit strikes on civilian targets during military operations, indiscriminate attacks on civilians and the pillaging and arbitrary destruction of their property.

90. While congratulating the Government of Burundi on the return of affected persons from the regroupment sites and camps for displaced persons, the Special Rapporteur requests it to implement rapidly its policy of resettling such persons on their home collines or on intermediate sites, if security conditions so require.

91. The Special Rapporteur asks the Burundian authorities not to recruit young people under 18 years of age for the army or mandatory civic service and to ensure that such recruitment is never imposed by force and that it includes all the ethnic components of the population without distinction.

92. The Special Rapporteur asks the Government to prosecute the instigators of practices comparable with forced labour and the use of regroupment camp residents in tasks of a military nature.

B. To the rebels

93. The Special Rapporteur reminds the rebel leaders that the principles governing human rights standards and the rules of international humanitarian law apply to them as much as to others. They are therefore expected to ensure that their subordinates respect them and remain liable for their acts even after hostilities have ceased.

94. The Special Rapporteur reminds the rebel leaders that all attacks on civilian populations or facilities such as schools, and that all behaviour leading to sexual abuse or to torture or the pillage or destruction of civilian property are strictly prohibited by human rights standards and the rules of international humanitarian law.

95. The Rapporteur further reminds the rebel groups that it is forbidden to make use of forced labour, to abduct children or young people, or to resort to coercion to force civilian populations to remain within the limits of territories temporarily under their control. It is incumbent on the rebels to ensure civilians' freedom of movement and domicile on the land which they occupy.

96. The Special Rapporteur solemnly appeals to the rebel groups to cease using mines, which mostly injure or kill civilians, and to demine the territories they frequent.

C. To the international community

97. The Special Rapporteur asks the United Nations to play in the quest for a peaceful solution to the Burundian conflict and the search for greater cooperation between the countries of the Great Lakes region and the Organization of African Unit, the crucial role which, as was recalled by several members of the Security Council in December 1997, devolves on it.

98. The Special Rapporteur hopes that the mission of inquiry established by the Secretary-General to investigate incidents which took place at the frontier between Burundi and Tanzania will be able to start work as rapidly as possible. He firmly believes that it is only through objective and independent investigations that the tension existing between the two countries can be reduced.

99. In this connection, the Special Rapporteur urges the Office of the United Nations High Commissioner for Refugees to take steps in conjunction with the Tanzanian authorities to move the refugee camps near the frontier with Burundi further into Tanzania, the refugees' presence being, in his view, a permanent factor of tension between the two countries.

100. The Special Rapporteur calls on the international community to make a serious evaluation both of the utility of maintaining the economic sanctions against Burundi and of the Burundian authorities' concrete efforts to initiate an internal dialogue and a nationwide peace process, which should be taken into account.

101. The international community must help the Government of Burundi to institute a genuine policy of social rehabilitation of the affected populations, whether they are displaced persons or have been regrouped, so that the peace process initiated in the country becomes a tangible sign of reconciliation, at least in those provinces where security conditions permit.

102. The Special Rapporteur urgently appeals to donor countries which have suspended their bilateral health assistance projects in Burundi to reverse their decision and support the new strategy introduced by the Ministry of Health to combat epidemics such as typhus or AIDS which cause ravages among the population of Burundi.

103. The Special Rapporteur recommends that the international community support the initiatives that emerge from the joint commission made up of members of the Burundian Government and parliamentary representatives of the country's two main political parties, and the efforts by some Western States and the Inter-Parliamentary Union to back this commission's travel abroad.

104. The Special Rapporteur urgently appeals to the international community, and in particular to the countries that formerly had significant connections with the Great Lakes region, firmly to support the human rights Observer Mission so that it can without further delay increase the number of observers deployed in Burundi, open at least three regional offices there and provide them with the necessary security and communications personnel and equipment.

105. The Special Rapporteur urgently appeals to the international community, and in particular to be countries that formerly had significant connections with the Great Lakes region, to continue (or make a firm commitment to) an urgent and coordinated policy of financial support for the legal assistance programme, which is likely to be suspended in the very near future. In the present context in Burundi, this programme represents one of the rare real signs of the solidarity of the international community and it is imperative that it be maintained and encouraged.

106. The Special Rapporteur recommends, as in his previous reports, that until a ceasefire has been established and a process of transition towards democracy genuinely initiated an international embargo should be decreed on sales of arms, military matériel and services to all parties in the Burundian conflict. He stresses that the countries of the Great Lakes region in particular and the international community should strongly support the application of this embargo vis-à-vis all parties to the conflict.

107. The Special Rapporteur once again appeals urgently to the Organization of African Unity and the international community, particularly countries which manufacture and export arms, to participate in such a moratorium in the Great Lakes region.

108. The Special Rapporteur proposes that the International Commission of Inquiry on the sale of arms established for Rwanda should be reactivated and

its mandate extended to Burundi. He once again draws the attention of the international community to the urgency of implementing the recommendations contained in his most recent report to the General Assembly (A/52/505, paras. 109 and 110).

109. The Special Rapporteur recommends that the question of an international criminal tribunal should once again be considered by the United Nations once the conditions for the establishment of such a body have been met in Burundi, namely, the institution of a ceasefire, the existence of internal dialogue, the successful conclusion of the negotiations and the reform of Burundian institutions.

110. The Special Rapporteur is convinced that the solutions to the Burundian crisis must be based on a regional approach and recommends that a conference should be held in the Great Lakes region on the arms traffic, security and human rights.

Notes

1/ In 1997, the Government assessed the housing reconstruction programme for the country as a whole at 34 billion Burundian francs, or approximately US\$ 125 million. It has already devoted FBu 600 million, or approximately US\$ 2 million, to this activity.

2/ Because of the combined effects of the conflict, rebel activity and economic sanctions, there are no more any seeds or fertilizers in Burundi. Before the sanctions were imposed, both products were produced in part by the Agronomical and Zootechnical Research Institute, which was 80 per cent donor financed. For the country as a whole, livestock losses, which have been increased by epidemic diseases, are estimated at 30 per cent for cattle and 40 per cent for small livestock.

3/ Chrétien, Jean-Pierre, Le Défi de l'ethnisme. Rwanda et Burundi: 1990-1996, Paris, Editions Karthala, 1997, pp. 363-364.

4/ See also Lecompte, Dominique, "Une ville africaine dans la tourmente, la guerre à Bujumbura", Afrique contemporaine, Special issue, 4th quarter 1996, p. 164.

5/ See the document prepared by the Holy See: The position of the Holy See Regarding the Implementation of General Assembly resolution 50/96 on Economic Measures as a Means of Political and Economic Coercion against Developing Countries.

- - - - -